

STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

CYNTHIA CISNEROS, AS SURVIVING PARENT AND
ADMINISTRATRIX OF THE ESTATE OF JHONAE
CISNEROS-HAMPTON, DECEASED,

Plaintiffs,

vs.

GEORGIS CUTINO-LEGRA; BALAC
TRANSPORTATION, INC.; MAYBACH
INTERNATIONAL GROUP, INC.; ACE PROPERTY
AND CASUALTY INSURANCE COMPANY; AND
XYZ CORPORATION 1-3

Defendants.

Civil Action File No.:
23-C-00229-S5

ANSWER

COME NOW Defendants, and for their response to Plaintiff's Complaint show the Court the following.

FIRST DEFENSE

Plaintiffs' Complaint fails to state a claim against Defendants upon which relief may be granted.

SECOND DEFENSE

Balac Transportation, Inc. is improperly made a defendant in this matter.

THIRD DEFENSE

The cause of the accident described in the Complaint, and the death of Plaintiff's decedent, was the negligence of the owner and the operator of the vehicle, and of Plaintiff's decedent, and of others not connected to the Defendants.

FOURTH DEFENSE

For their response to the numbered paragraphs of Plaintiff's Complaint, Defendants show the following.

1. Defendants deny the allegations of this paragraph for want of sufficient knowledge.
2. Defendants admit the allegations of this paragraph, except that the address is incorrect.
3. Defendants admit the allegations of this paragraph.
4. Defendants admit the allegations of this paragraph.
5. Defendants admit the allegations of this paragraph.
6. Defendants admit the allegations of this paragraph; however jurisdiction and venue are also proper in the Northern District of Georgia, Atlanta Division.
7. Defendants deny the allegations of this paragraph for want of sufficient knowledge.
8. Defendants deny the allegations of this paragraph for want of sufficient knowledge.
9. Defendants deny the allegations of this paragraph for want of sufficient knowledge.
10. Defendants deny the allegations of this paragraph as pleaded.
11. Defendants deny the allegations of this paragraph as pleaded, except that it is admitted that the truck driven by Legra did strike the vehicle stopped in the middle of the road.
12. Defendants admit the allegations of this paragraph.
13. Defendants deny the allegations of this paragraph.
14. Defendants deny the allegations of this paragraph.
15. Defendants deny the allegations of this paragraph.
16. Defendants deny the allegations of this paragraph for want of sufficient knowledge.
17. Defendants incorporate the preceding paragraphs by reference as if restated here verbatim.

18. Defendants deny the allegations of this paragraph as pleaded. Defendants admit that all motorists have a duty to exercise ordinary care and to operate motor vehicles in a reasonably safe manner.

19. Defendants deny the allegations of this paragraph.

20. Defendants deny the allegations of this paragraph.

21. Defendants deny the allegations of this paragraph.

22. Defendants incorporate the preceding paragraphs by reference as if restated here verbatim.

23. Defendants deny the allegations of this paragraph as pleaded. Further, Balac is not a proper defendant.

24. Defendants deny the allegations of this paragraph.

25. Defendants deny the allegations of this paragraph as pleaded.

26. Defendants incorporate the preceding paragraphs by reference as if restated here verbatim.

27. Defendants deny the allegations of this paragraph as pleaded. Balac is not a proper defendant.

28. Defendants deny the allegations of this paragraph.

29. Defendants deny the allegations of this paragraph.

30. Defendants deny the allegations of this paragraph.

31. Defendants deny the allegations of this paragraph.

32. Defendants deny the allegations of this paragraph.

33. Defendants incorporate the preceding paragraphs by reference as if restated here verbatim.

34. Defendant admits the allegations of this paragraph regarding Maybach, but not Balac which is not a proper defendant.

35. Defendant admits the allegations of this paragraph regarding Maybach, but not Balac which is not a proper defendant.

36. Defendants deny the allegations of this paragraph.

37. Defendants deny any allegation not specifically responded to above, and also denies the unnumbered paragraph beginning "WHEREFORE, Plaintiff prays."

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendants are not liable whatsoever to Plaintiff and respectfully requests the following relief from this Honorable Court:

- 1) That they be discharged from this action;
- 2) All costs be taxed against the Plaintiff;
- 3) Judgment be entered in favor of Defendants;
- 4) A trial by a twelve-person jury for any triable claims; and,
- 5) Any other relief this Court deems just and proper.

This 15th day of February 2023.

MCLAUGHLIN LAW FIRM

/s/Charles R. Beans

11575 Great Oaks Way, Suite 100
Alpharetta, Georgia 30022
(470) 415-5500
(470) 415-5510 (fax)
Charles.Beans@mgmesq.com

Charles R. Beans
Georgia Bar No. 006720
Attorneys for Defendants

Defendants Demand Trial by jury of 12 for any triable claims

CERTIFICATE OF SERVICE

I certify that I have this day served the following with a copy of the within and foregoing
ANSWER AND DEMAND FOR JURY TRIAL OF DEFENDANTS via this Court's
mandatory efilng system and electronic mail delivery addressed to:

**Madeleine N. Simmons, Esq.
Stewart Miller Simmons Trial Attorneys
55 Ivan Allen Jr. Blvd.
Suite 700
Atlanta, Georgia 30308**

This 15th day of February 2023.

MCLAUGHLIN LAW FIRM

/s/Charles R. Beans

11575 Great Oaks Way, Suite 100
Alpharetta, Georgia 30022
(470) 415-5500
(470) 415-5510 (fax)
Charles.Beans@mgmesq.com

Charles R. Beans
Georgia Bar No. 006720
Attorneys for Defendants